United Nations A/C.5/59/L.15

General Assembly

Distr.: Limited
8 December 2004

Original: English

Fifty-ninth session
Fifth Committee
Agenda item 121
Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Draft resolution submitted by the Chairman following informal consultations

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the reports of the Secretary-General, namely the first performance report of the International Criminal Tribunal for Rwanda for the biennium 2004-2005[1] and the report on biennial budgeting at the Tribunals,[2]

Having also considered the report of the Board of Auditors and the recommendations contained therein,[3]

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Criminal Tribunal for Rwanda and its subsequent resolutions thereon,

[1] A/59/549.
[2] A/59/139.
[3] A/59/5/Add.11.
[4] A/59/561.

04-63953 (E) 101204

the latest of which were resolution 58/252 and resolution 58/253 of 23 December 2003,

1. *Takes note* of the first performance report of the Secretary-General for the biennium 2004-2005 on the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and the report on biennial budgeting at the Tribunals;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

3. *Notes with concern* the precarious financial situation of the International Criminal Tribunal for Rwanda;

4. *Notes with concern* the levels of unpaid assessed contributions, and urges Member States to pay their assessed contributions on time, in full and without conditions;

5. *Notes with concern* the resulting freeze imposed by the Secretariat on the International Criminal Tribunal for Rwanda and the negative impact it is having on the completion strategy schedule, and requests the Secretary-General, in consultation with the Tribunal, to present proposals on ways to ameliorate the staffing situation at the Tribunal in the context of the proposed budget for the biennium 2006-2007;

6. *Requests* the Secretary-General to ensure that areas critical to the successful completion of the mandate of the Tribunal, in accordance with the completion strategy, are exempt from any freezes;

7. *Requests* the Secretary-General to make every effort to reduce the vacancy rate and improve staff retention at the Tribunal, including through extending contracts of staff performing functions that are central to the implementation of the completion strategy beyond the period of the current budget;

8. *Requests* the Secretary-General to submit the reports requested in paragraphs 17 and 23 of General Assembly resolution 58/253 in the context of the proposed budget of the Tribunal for the biennium 2006-2007;

9. *Welcomes* the efforts of the Tribunal, in accordance with its Statute, to assist the Government of Rwanda in strengthening its judiciary, and requests the Tribunal to increase its capacity-building efforts for the judiciary of Rwanda, including through recruitment of Rwandan legal professionals and training and attachment programmes, in view of the intention to transfer cases for prosecution to Rwanda from 2005;

10. *Recognizes* the importance of carrying out an effective outreach programme in the overall mandate of the Tribunal and its completion strategy, and requests the Tribunal, in accordance with its mandate, to develop and implement outreach programmes that are proactive, utilizing available resources optimally, and that contribute to the reconciliation process by effectively developing an increased understanding of its work among Rwandans;

11. *Requests* the Secretary-General to report on the outreach programme of the Tribunal and on future measures to ensure the smooth transfer of cases to national jurisdiction in the context of the proposed budget of the Tribunal for the biennium 2006-2007;

12. *Decides* to approve the proposed post and non-post resources for the Investigations Division for 2005;

13. *Also decides* on a revised appropriation to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 of a total amount of 255,909,500 United States dollars gross (231,506,500 dollars net) for the biennium 2004-2005;

14. *Further decides* to apportion for the year 2005 the amount of 69,123,700 dollars gross (62,434,375 dollars net), including 10,292,650 dollars gross (9,115,500 dollars net), being the increase in assessments among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 2005;

15. *Decides* to apportion for the year 2005 the amount of 69,123,700 dollars gross (62,434,375 dollars net), including 10,292,650 dollars gross (9,115,500 dollars net), being the increase in assessments among Member States in accordance with the rates of assessment applicable to peacekeeping operations for the year 2005;

16. *Also decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 14 and 15 above, their respective share in the Tax Equalization Fund in the amount of 13,378,650 dollars, including 2,354,300 dollars, being the increase of the estimated staff assessment income approved for the International Criminal Tribunal for Rwanda for the biennium 2004-2005.

Annex

Financing for the biennium 2004-2005 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	(United States dollars)	
1. Initial appropriation for the biennium 2004-2005 (resolution 58/253)	235 324 200	213 275 500
Add:		
2. Proposed changes for the biennium 2004-2005 (A/59/549)	25 647 300	23 293 000
Less:		
3. One time adjustment reflecting projected savings for 2004 (A/59/549)	(5 062 000)	(5 062 000)
4. Proposed revised appropriation for the biennium 2004-2005	255 909 500	231 506 500
5. Assessment for 2004	(117 662 100)	(106 637 750)
6. Balance to be assessed for 2005	138 247 400	124 868 750
Of which:		
7. Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2005	69 123 700	62 434 375
8. Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2005	69 123 700	62 434 375

United Nations A/C.5/59/L.16

General Assembly

Distr.: Limited
8 December 2004

Original: English

Fifty-ninth session
Fifth Committee
Agenda item 122
Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Draft resolution submitted by the Chairman following informal consultations

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Having considered the reports of the Secretary-General, namely the first performance report of the International Tribunal for the Former Yugoslavia for the biennium 2004-2005[1] and the report on biennial budgeting at the Tribunals,[2]

Having also considered the report of the Board of Auditors and the recommendations contained therein,[3]

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Recalling its resolution 47/235 of 14 September 1993 on the financing of the International Tribunal for the Former Yugoslavia and its subsequent resolutions thereon, the most recent of which were resolution 58/254 and resolution 58/255 of 23 December 2003,

1. *Takes* note of the first performance report of the Secretary-General for the biennium 2004-2005 on International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in

[1] A/59/547.
[2] A/59/139.
[3] A/59/5/Add.12.
[4] A/59/561.

04-63959 (E) 101204

the Territory of the Former Yugoslavia since 1991[1] and the report on biennial budgeting at the Tribunals;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

3. *Notes* with concern the precarious financial situation of the International Tribunal for the Former Yugoslavia;

4. *Also notes* with concern the levels of unpaid assessed contributions, and urges Member States to pay their assessed contributions on time, in full and without conditions;

5. *Further notes* with concern the resulting freeze imposed by the Secretariat on the International Tribunal for the Former Yugoslavia and the negative impact it is having on the completion strategy schedule, and requests the Secretary-General, in consultation with the Tribunal, to present proposals on ways to ameliorate the staffing situation at the Tribunal in the context of the proposed budget for the biennium 2006-2007;

6. *Requests* the Secretary-General to ensure that areas critical to the successful completion of the mandate of the Tribunal, in accordance with the completion strategy, are exempt from any freezes;

7. *Also requests* the Secretary-General to make every effort to reduce the vacancy rate and improve staff retention at the Tribunal, including through extending contracts of staff performing functions that are central to the implementation of the completion strategy beyond the period of the current budget;

8. *Decides* to approve the proposed post and non-post resources for the Investigations Division for 2005;

9. *Also decides* on a revised appropriation to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia of a total amount of 329,317,900 United States dollars gross (298,437,000 dollars net) for the biennium 2004-2005;

10. *Further decides* to apportion for the year 2005 the amount of 90,148,375 dollars gross (81,300,850 dollars net), including 15,637,800 dollars gross (13,383,200 dollars net), being the increase in assessments among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year 2005;

11. *Decides* to apportion for the year 2005 the amount of 90,148,375 dollars gross (81,300,850 dollars net), including 15,637,800 dollars gross (13,383,200 dollars net), being the increase in assessments among Member States in accordance with the rates of assessment applicable to peacekeeping operations for the year 2005;

12. *Also decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 10 and 11 above, their respective share in the Tax Equalization Fund in the amount of 17,695,050 dollars, including 4,509,200 dollars, being the increase of the estimated staff assessment income approved for the International Tribunal for the Former Yugoslavia for the biennium 2004-2005.

Annex

Financing for the biennium 2004-2005 of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	*Net*
	(United States dollars)	
1. Initial appropriation for the biennium 2004-2005 (resolution 58/255)	298 226 300	271 854 600
Add:		
2. Proposed changes for the biennium 2004-2005 (A/59/547)	38 023 300	33 514 100
Less:		
3. One time adjustment reflecting projected savings for 2004 (A/59/547)	(6 747 700)	(6 747 700)
4. Estimated income for the biennium 2004-2005	(184 000)	(184 000)
5. Proposed revised appropriation for the biennium 2004-2005	329 317 900	298 437 000
6. Assessment for 2004	(149 021 150)	(135 835 300)
7. Balance to be assessed for 2005	180 296 750	162 601 700
Of which:		
8. Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2005	90 148 375	81 300 850
9. Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2005	90 148 375	81 300 850